

## V. Canvassing The Vote

### Summary

This chapter explains the procedures involved in counting the ballots after the polls close. Votes can be tabulated either in the precinct or at a pre-specified central location.

All proceedings at the central counting place, or counting places, if applicable, shall be open to the view of the public but no person, except one employed and designated for the purpose by the elections official or his or her authorized deputy, shall touch any ballot container. Access to the area where electronic data processing equipment is being operated may be restricted to those persons authorized by the elections official. (§ 15204.)

If the canvass is to take place in the precinct, as soon as the polls are finally closed, the precinct board shall commence to count the votes by taking the ballots cast, unopened, out of the box and counting them to ascertain whether the number of ballots corresponds with the number of signatures on the roster. The precinct board shall make a record upon the roster of the number of ballots in the ballot box, the number of signatures on the roster, and the difference, if any. (§ 15271.)

The count shall be public and shall be continued without adjournment until completed and the result is declared. (§ 15272.) If a ballot measure or office affects more than one county, no results will be made public until the polls close in all counties involved. (§ 15152.) At least four members of the precinct board will conduct the canvass. (§ 15102.) All ballots should be inspected for irregularities. Those ballots marked in any way other than provided by law will be rejected. (See page 40 for markings that do not render a ballot invalid.) Rejected ballots will be marked as such and placed in a package for that purpose. (§ 15154.)

Each precinct will keep two tally sheets. Sufficient space for tallying the votes cast for each candidate or ballot measure shall be provided. (§ 15277.) After the votes for the entire ballot are read and tallied, the ballots shall not be further examined, but placed in a strong, sealed envelope. The signature of all precinct board members shall be written across the seal. (§ 15279.)

Page 43 lists the materials to be returned to the county elections official. If the returns from any precinct are incomplete, ambiguous, not properly authenticated, or otherwise defective, the elections official may issue and serve subpoenas requiring members of the precinct board to appear and be examined under oath concerning the manner in which votes were counted and the result of the count in their precinct. This section shall apply when ballots are tabulated manually or automatically at the polls. (§ 15303.)

A snap tally may be called if, before any election, the governing body of the jurisdiction holding the election decides that certain offices or ballot measures to be voted on are of more than ordinary public interest and require an early tabulation and announcement. The decision shall be transmitted to the elections official not less than 30 days before the election. (§ 14440.)

Whenever the ballots at any election or from any precincts are to be tallied at a central place and not at the precincts, the elections official or secretary of the jurisdiction conducting the election shall specify the public place to be used and give notice of that location. (§ 12109.) The elections official or authorized deputy shall segregate the persons employed to count the ballots into counting boards. These counting boards shall be deemed to be precinct boards, and are subject to all laws governing precinct boards where ballots are counted at the polling place. (§ 15207.) The count shall be public and shall be continued without adjournment until completed and the result is declared. (§ 15272.)

If the ballots are to be counted at a central counting place, no fewer than two precinct board members shall, following the close of the polls, deliver the ballots, in a sealed container, to the central counting place or a designated receiving station. (§ 15202.)

## **1. Return and Counting Centers.**

### Establishing Return Centers

The elections official of the jurisdiction shall establish one or more election return centers for the purpose of facilitating the compilation of election returns and expediting their announcement to the public. (§ 15260(a).)

In establishing a return center, the elections official may designate a group of precincts that the center shall serve and this designation shall be available for public inspection no later than 15 days before the election. The election return center may be at any public place as the elections official designates. (§ 15260(b).)

### Establishing Counting Centers

The elections official may establish one or more centers to count ballots from designated precincts and transmit the results via voice telephone connection or facsimile transmission. The count shall be conducted in all other respects in accordance with the central counting provisions of Article 2 (commencing with Section 15200). The list of designated precincts for each counting center shall be available for public inspection no later than 15 days before the election. (§ 15261.)

### Proceedings Open to View of Public

All proceedings at the central counting place, or counting places, if applicable, shall be open to the view of the public but no person, except one employed and designated for the purpose by the elections official or his or her authorized deputy, shall touch any ballot container. Access to the area where electronic data processing equipment is being operated may be restricted to those persons authorized by the elections official. (§ 15204.)

## **2. Vote Count in the Precinct.**

### Count of Ballots in the Ballot Box

As soon as the polls are finally closed, the precinct board shall commence to count the votes by taking the ballots cast, unopened, out of the box and counting them to ascertain whether the number of ballots corresponds with the number of signatures on the roster. The precinct board shall make a record upon the roster of the number of ballots in the ballot box, the number of signatures on the roster, and the difference, if any. (§ 15271.)

### Time to Begin Count

Neither the elections official, any member of a precinct board, nor any other person shall count any votes, either for a ballot proposition or candidate, until the close of the polls in that county. After that time, the ballots for all candidates and ballot propositions voted upon solely within the county shall be counted and the results of the balloting made public. However, the results for any candidate or ballot proposition also voted upon in another county or counties shall not be made public until after all the polls in that county and the other county or counties have closed. This paragraph applies regardless of whether the counting is done by manual tabulation or by a vote-tabulating device. (§ 15152.)

### Canvass Must be Public

The count shall be public and shall be continued without adjournment until completed and the result is declared. During the reading and tallying, the ballot read and the tally sheet kept shall be within the clear view of watchers. (§ 15272.)

#### Board to Act as Group and Conduct Only One Count

Unless otherwise provided in the Elections Code, the precinct board members may not constitute themselves into separate squads in an attempt to conduct more than one count of the ballots at the same time. (§ 15273.)

#### Members May Relieve Each Other During Canvass of Vote

The members of the precinct board may relieve each other in the duties of counting ballots. (§ 15274.)

#### Procedures

Any ballot that is not marked as provided by law shall be rejected. The rejected ballots shall be placed in the package marked for voted ballots or in a separate container as directed by the elections official. All rejected ballots shall have written on the ballot the cause for rejection and be signed by the majority of processing board members who are assigned by the elections official to process ballots. (§ 15154(a).)

The following ballot conditions shall not render a ballot invalid: (1) Soiled or defaced. (2) Two or more impressions of the voting stamp or mark in one voting square. (3) Contains personal information, as defined in Section 14287. (§ 15154(b).)

If a voter indicates, either by a combination of both marking and writing in, a choice of more names than there are candidates to be elected or nominated for any office, or if for any reason the choice of the voter is impossible to determine, the vote for that office shall not be counted, but the remainder of the ballot, if properly marked, shall be counted. (§ 15154(c).)

In preparing the voted ballot cards for processing, any ballot that is torn, bent, or otherwise defective shall be corrected so that every vote cast by the voter shall be counted by the automatic tabulating equipment. If necessary, a true duplicate copy of the defective ballot card shall be made and substituted therefor, following the intention of the voter insofar as it can be ascertained from the defective ballot. All duplicate ballots shall be clearly labeled "duplicate," and shall bear a serial number that shall be recorded on the damaged or defective ballot. (§ 15210.)

If paper ballots are used for vote-by-mail voting, the canvass may be conducted in accordance with Chapter 1 (commencing with Section 15000), or the elections official may have a true duplicate copy of vote-by-mail paper ballots made on punchcard ballots, which shall be verified in the presence of witnesses. After verification the punchcard ballots shall be counted in the same manner as other punchcard ballots. (§ 15211.)

Those ballots not rejected shall be placed in one pile, and the board shall proceed to count by tallying the vote for one or more offices or measures at a time. (§ 15275.)

The precinct board members shall ascertain the number of votes cast for each person and for and against each measure in the following manner: One precinct board member shall read from the ballots. As the ballots are read, at least one other precinct board member shall keep watch of each vote so as to check on any possible error or omission on the part of the officer reading or calling the ballot. (§ 15276.)

#### Write-In Candidates

Any name written upon a ballot for a qualified write-in candidate, including a reasonable facsimile of the spelling of a name, shall be counted for the office, if it is written in the blank space provided and voted as specified below:

- (a) For voting systems in which write-in spaces appear directly below the list of candidates for that office and provide a voting space, no write-in vote shall be counted unless the voting space next to the write-in space is marked or slotted as directed in the voting instructions, except as provided in subdivision (f) of Section 15342 (which has not been set forth in this Digest).
- (b) For voting systems in which write-in spaces appear separately from the list of candidates for that office and do not provide a voting space, the name of the write-in candidate, if otherwise qualified, shall be counted if it is written in the manner described in the voting instructions.
- (c) The use of pressure-sensitive stickers, glued stamps, or any other device not provided for in the voting procedures for the voting systems approved by the Secretary of State to indicate the name of the write-in candidate are not valid, and a name indicated by these methods shall not be counted.
- (d) Neither a vote cast for a candidate whose name appears on the ballot nor a vote cast for a write-in candidate shall be counted if the voter has indicated, by a combination of marking and writing, a choice of more names than there are candidates to be nominated or elected to the office.
- (e) All valid write-in votes shall be tabulated and certified to the elections official on forms provided for this purpose, and the write-in votes shall be added to the results of the count of the ballots at the counting place and be included in the official returns for the precinct. (§ 15342.)

Notwithstanding any other provision of law, no name written upon a ballot in any election shall be counted for an office or nomination unless the candidate whose name has been written on the ballot has complied with Part 3 (commencing with Section 8600) of Division 8. (§ 15341.)

#### Tally Sheets

Two of the precinct board members shall each keep a tally sheet in a form prescribed by the elections official. Each tally sheet shall contain all of the following:

- (1) The name of each candidate being voted for and the specific office for which each candidate is being voted. The offices shall be in the same order as on the ballot.
- (2) A list of each measure being voted upon.
- (3) Sufficient space to permit the tallying of the full vote cast for each candidate and for and against each measure. (§ 15277(a).)

The precinct board members keeping the tally sheets shall record opposite each name or measure, with pen or indelible pencil, the number of votes by tallies as the name of each candidate or measure voted upon is read aloud from the respective ballot. (§ 15277(b).)

Immediately upon the completion of the tallies, the precinct board members keeping the tally shall draw two heavy lines in ink or indelible pencil from the last tally mark to the end of the line in which the tallies terminate and initial that line. The total number of votes counted for each candidate and for and against each measure shall be recorded on the tally sheets in words and figures. (§ 15277(c).)

#### Comparison of Vote-by-Mail Voters' List with Roster

On completion of the canvass of the returns for each election, the elections official shall compare the vote-by-mail voters' list with the roster of voters in each precinct to determine if any voter cast more than one ballot at that election. (§ 15278.)

### Tally of Votes Only as Prescribed by Law

No precinct board member may make any tally of votes in any other manner than is provided in Division 15, Chapter 3, Article 5 of the Elections Code, nor in any other place than on the tally sheets provided for that purpose. (§ 15278.5.)

### Ballots to Be Sealed; Not to Be Examined Thereafter

The ballots, as soon as all of the names and measures marked on them as voted for are read and tallied, shall not thereafter be examined by any person, but, as soon as all are counted, shall be carefully sealed in a strong envelope. The signatures of each member of the precinct board shall be written across the seal. (§ 15279.)

### Completion of Forms by Precinct Board

The precinct board shall complete, sign, and return to the elections official all furnished forms requiring its signatures. When votes are counted at the precinct, all members of the precinct board, upon the completion of their duties, shall sign a certificate of performance, which shall be substantially in the following form:

#### Certificate of Performance

For \_\_\_\_ precinct, for the \_\_\_\_ election, held on the \_\_\_\_ day of \_\_\_\_, (year)

We hereby certify that the total number of votes received by each candidate for each office and the total number of votes cast for and against each measure is as indicated on the tally sheets.

We further certify that the results of votes cast forms posted outside the polling place and transmitted to the county elections official show the total number of votes received by each candidate for each office and the total number of votes cast for and against each measure is as indicated.

_____ Inspector	_____ Clerk
_____ Assistant Inspector	_____ Clerk
_____ Judge	_____ Clerk
_____ Judge (§ 15280.)	_____ Clerk

### Sign and Post Copy of Result

The precinct board shall sign and post conspicuously on the outside of the polling place a copy of the result of the votes cast. The copy shall remain posted for at least 48 hours after the official time fixed for the closing of the polls. To protect a person's right to cast a secret ballot under Section 7 of Article II of the California Constitution, in cases where fewer than 10 voters cast ballots and the precinct board tallies the results at the precinct, the precinct board shall post only the total number of people who voted at the precinct. (§ 15281.)

### Elections in General Law Cities; Procedure at Close of Polls

The votes shall be counted, the result of the votes cast shall be posted, the supplies and records of the election shall be returned to the city elections official and shall be disposed of by him or her in accordance with the provisions of this code governing elections generally, so far as they may be applicable. (§ 10260.)

### **3. Return of Supplies and Records.**

#### Supplies and Election Returns to Be Delivered to County Elections Official

The precinct board, as soon after the polls are closed as possible, shall prepare the supplies, including the copies of the index posted at or near the polling place, and records of the election for delivery to the elections official. (§ 14430.)

The precinct board shall enclose and seal in one or more packages, as determined by the elections official, all voted, spoiled, canceled, or unused ballots. (§ 14431.)

The precinct board shall enclose and seal in one or two packages, as determined by the elections official, all of the following:

- (a) Two tally sheets, if ballots are to be tabulated manually at the precinct.
- (b) The roster of voters.
- (c) The copy of the index used as the voting record.
- (d) The challenge list.
- (e) The assisted voter's list. (§ 14432.)

#### Transmit Result of Vote

If ballots are counted at precincts pursuant to the vote-by-mail and mail ballot procedures or manual tally procedures, the precinct board immediately shall transmit, unsealed, to the elections official a statement showing the result of the votes cast at the polling place. The statement shall be open to public inspection. (§ 14433.)

#### Delivery of Sealed Packages by Two Members

The sealed packages containing the lists, papers, and ballots shall be delivered by two precinct board members without delay, unopened, to the elections official or to a receiving station designated by the elections official. (§ 14434.)

No list, tally, paper, or certificate returned from any election shall be set aside or rejected for want of form, nor because it is not strictly in accordance with the Elections Code, if it can be satisfactorily understood. (§ 14435.)

#### Subpoenas Requiring Precinct Board to Appear

If the returns from any precinct are incomplete, ambiguous, not properly authenticated, or otherwise defective, the elections official may issue and serve subpoenas requiring members of the precinct board to appear and be examined under oath concerning the manner in which votes were counted and the result of the count in their precinct. This provision shall apply when ballots are tabulated manually or automatically at the polls. (§ 15303.)

### **4. Snap Tallies.**

#### Early Tabulation and Announcement

Before any election, the governing body of the jurisdiction holding the election shall decide that certain offices or measures to be voted on are of more than ordinary public interest and require an early tabulation and announcement. The decision shall be transmitted to the elections official not less than 30 days before the election. (§ 14440.)

### Special Forms for Snap Tally

The elections official shall prepare and forward to each selected precinct forms containing a list of the offices and measures designated as being of more than ordinary interest, and stating the number of ballots to be counted for the snap tally. In each general election, the special form shall, for each office listed on it, include the names of all candidates for that office whose names appear on the ballot.

The inspector at each selected precinct shall note the results of the count and the total number of votes cast in the precinct on the snap tally forms as soon as the designated number of ballots has been tallied. The inspector shall then communicate the figures in the manner directed by the elections official. In each general election, the figures shall include the votes cast for every candidate whose name appears on the ballot for an office listed on the forms. The inspector shall continue, each time the designated number of ballots has been tallied, to note and report the results as directed. (§ 14441.)

## **5. Canvass at Central Place.**

### Notice of Canvass by Elections Officials

Whenever the ballots at any election or from any precincts are to be tallied at a central place and not at the precincts, the elections official or secretary of the jurisdiction conducting the election shall specify the public place to be used and give notice thereof as follows:

- (a) By at least one publication in a newspaper of general circulation published in the jurisdiction where the election is to be held, provided that the publication is made at least 10 days before the day of the election.
- (b) If a newspaper of general circulation is not published in that jurisdiction, then by prominently posting the notice in the office of the elections official for at least 10 days before the day of the election.  
(§ 12109.)

### Qualifications and Duties of Precinct Board

A person may be employed to count, tally, and certify the ballots if he or she is not a candidate at the election and if he or she satisfies either of the following requirements:

- (1) Has the qualifications required for a precinct board member.
- (2) Is a deputy or employee of either of the following:
  - (A) The governing board.
  - (B) The elections official. (§ 15205(a).)

No person selected to count ballots need reside in any particular precinct. (§ 15205(b).)

The elections official or any deputy authorized by the elections official may excuse or dismiss any person from any counting board and enforce the order. (§ 15206.)

The elections official or authorized deputy shall segregate the persons employed to count the ballots into counting boards. These counting boards shall be deemed to be precinct boards, and are subject to all laws governing precinct boards where ballots are counted at the polling place. (§ 15207.)

As soon as the polls are closed, the precinct board shall, in the presence of the public, do all of the following:

- (1) Seal the container used to transport voted ballots and insure that the precinct number is designated on the ballot container.

- (2) Certify, sign and seal the several packages or envelopes as directed by the elections official.
- (3) By not less than two of their number, deliver the ballot container and packages to the elections official at the central counting place in the manner prescribed by the elections official. The ballot container and packages shall remain in their exclusive possession until delivered to the elections official. (§ 15201(a).)

This foregoing requirements regarding sealing the container used to transport the ballots; to certify, sign, and seal envelopes or packages; and the transport of said ballot containers, packages, or envelopes also apply to ballots counted manually pursuant to Article 6 (commencing with Section 15290). (§ 15201(b).)

The count shall be public and shall be continued without adjournment until completed and the result is declared. During the reading and tallying, the ballot read and the tally sheet kept shall be within the clear view of watchers. (§ 15272.)

#### Emergency; Impossible to Transport Ballots

In case of an emergency in which it becomes impossible to transport the ballots from the precinct to a central counting place, the elections official may direct that the ballots be counted at the precinct. In those cases, counting shall be conducted substantially in accordance with Article 5 (commencing with Section 15270). (§ 15213.)